

### **REMARKS**

Claims 1-19 are all the claims pending in the application. By this Amendment, Applicant amends claims 1 and 15-19 for improved conformity with the U.S. practice.

#### **I. Summary of the Office Action**

Claims 1-19 presently stand rejected under 35 U.S.C. § 101. Claim 9 is rejected under 35 U.S.C. § 103(a).<sup>1</sup> Claims 1-8 and 10-19 contain allowable subject matter.

#### **II. Rejections under 35 U.S.C. § 101**

The Examiner rejected claims 1-19 under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter as not producing a tangible result. Applicant has revised claim 1 for improved conformity with the U.S. practice. As now amended, claim 1 clearly produces a tangible result. Applicant therefore respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 2-9.

Claim 10 is directed to an apparatus, which is a combination of hardware and software. Accordingly, contrary to the Examiner's allegations (*see* page 2 of the Office Action), claim 10 is not directed to a method, which should produce a tangible result. Claim 10 is statutory by virtue of having a hardware device *i.e.*, analyzing apparatus. Applicant therefore respectfully requests the Examiner to withdraw this rejection of claim 10 and its dependent claims 11-14.

Similarly claim 15 is directed to a computer-readable medium and not to a method. Accordingly, claim 15 is directed to a statutory subject matter and need not be amended to

---

<sup>1</sup> It is noted that the Examiner indicated that claims 1 and 9 are rejected under 35 U.S.C. § 103(a), *see* page 3 of the Office Action. However, based on the actual grounds of rejection, it appears that the Examiner intended to reject only claim 9 under 35 U.S.C. § 103(a).

explicitly recite a tangible result. Applicant therefore respectfully requests the Examiner to withdraw this rejection of claim 15 and its dependent claims 16-19.

### III. Prior Art Rejection

Claim 9 is rejected under 35 U.S.C. § 102(b) as being anticipated and/or under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,435,365 to Tanaka (hereinafter “Tanaka”). Applicant respectfully traverses these grounds of rejection *at least* in view of the following exemplary comments.

The Examiner contends that since Tanaka discloses a process of forming a tire it anticipates the tire formed by the method set forth in claim 1 (*see* page 4 of the Office Action). Applicant respectfully disagrees. Applicant respectfully submits that the tires being formed are not identical and that the tire of claim 9 is not obvious in view of the tire of Tanaka.

As discussed in an exemplary, non-limiting embodiment of the present invention, the tire formed has improved parameters. Various improvements in the parameters of the tire is provided in the exemplary tables 4, 5, 8, 9, and 12 disclosed in the specification *e.g.*, improved wear characteristics, improved standard deviation of pressure distribution, performance characteristics and so on. For at least these exemplary reasons, the tire claimed in claim 9 is not anticipated and is not obvious over the conventional tire disclosed in Tanaka.

Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 9.

IV. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 1-8 and 10-19 contain allowable subject matter. Applicant does not acquiesce to the Examiner's reasons for allowance.

Applicant respectfully requests the Examiner to now allow these claims.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue, **the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below to set up an interview.**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Nataliya Dvorson/  
Nataliya Dvorson  
Registration No. 56,616

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: October 9, 2007